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UNITED STATES OF AMERICA BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF SECRETARY

In the Matter of

Petition of the People of the
State of California and the
Public Utilities Commission
of the State of California
to Retain Regulatory Authority
Over Intrastate Cellular Service Rates

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PR Docket No. 94-105

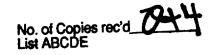
OPPOSITION OF THE CELLULAR CARRIERS ASSOCIATION OF CALIFORNIA TO PETITION FOR CLARIFICATION WITH CORRESPONDING EXTENSION OF TIME FILED BY
THE CALIFORNIA PUBLIC UTILITIES COMMISSION

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February 3, 1995

Attorneys for Cellular Carriers Association of California



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Pursuant to Section 1.45 the Rules and Regulations of the FCC, 47 C.F.R. §1.45, the Cellular Carriers Association of California (CCAC) hereby opposes the Petition for Clarification with Corresponding Extension of Time filed by the California Public Utilities Commission (CPUC) on January 27, 1995 in the above-docketed proceeding. On February 1, 1995 Airtouch Communications filed an opposition to the CPUC petition. As the representative of the cellular carriers serving the vast majority of California's cellular subscribers, CCAC wholly supports the arguments set forth by Airtouch Communications and urges the Commission to deny the relief requested by the CPUC. The strict standards for authentication of documents alleged to contain evidence of

anti-competitive behavior adopted by the Commission should not be compromised.

The CPUC knowingly chose to submit controversial evidence in the form of excerpts of investigative material obtained from the California Attorney General without the required affidavits based on personal knowledge and must bear the consequences of that action. As CCAC has explained in previous pleadings in this proceeding, the Attorney General information is highly controversial, prejudicial in the to cellular carriers who have absolutely extreme opportunity to respond to such uncorroborated evidence, and has been placed in the Commission's custody as a result of violations of California law.1/

Furthermore, the CPUC's tactics with regard to the submission of such confidential information have caused substantial delays in this proceeding, a fact with which the Commission is all too familiar. Under such circumstances the Commission should resolutely refuse at this late date to lower

^{1/} See Motion of the Cellular Carriers Association of California to Reject Petition, or Alternatively, Reject Redacted Information, dated September 19, 1994, at 5-12; Comments of the Cellular Carriers Association of California on the Protective Order Proposed to Provide Access to Confidential Information Contained in the California Petition for State Regulatory Authority, dated October 7, 1994, at 6-13.

the standard for authentication of claims of anti-competitive behavior.

Respectfully submitted,

WRIGHT & TALISMAN, P.C.

y Michael

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February 3, 1995

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CERTIFICATE OF SERVICE

I, Abby Ovitsky, certify that I have this date caused the foregoing OPPOSITION OF THE CELLULAR CARRIERS ASSOCIATION OF CALIFORNIA TO PETITION FOR CLARIFICATION WITH CORRESPONDING EXTENSION OF TIME FILED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION to be served by United States mail on the parties of interest in PR Docket 94-105 as set forth on the attached service list.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed on February 6, 1995 at San Francisco, California.

Ally Outsky mg
Abby Ovitsky

PR Docket No. 94-105 PR file No. 94-SP3 rev. 10/11/94

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